



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग एक—कोकण विभागीय पुरवणी

वर्ष ९, अंक २]

मंगळवार, जानेवारी १०, २०२३/पौष २०, शके १९४४

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असाधारण क्रमांक २

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक १९ डिसेंबर २०२२

अधिसूचना

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६.

क्र. टिपीबी-४३२१/५४३/प्र.क्र.१८६/२०२१/नवि-११. — ज्याअर्थी, महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख “उक्त अधिनियम” असा करणेत आलेला आहे.) च्या तरतुदीनुसार बृहन्मुंबई महानगरपालिका त्यांचे अधिकार क्षेत्राकरिता (यापुढे ज्याचा उल्लेख “उक्त महानगरपालिका” असा करणेत आलेला आहे.) नियोजन प्राधिकरण आहे ;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ३१, पोट-कलम (१) अन्वये प्राप्त अधिकारांचा वापर करून राज्य शासनाने अधिसूचना क्र. टिपीबी-४३१७/६२९/प्र.क्र.११८/२०१७/वि.यो./नवि-११, दिनांक ८ मे २०१८ (यापुढे ज्याचा उल्लेख “उक्त अधिसूचना” असा करणेत आलेला आहे) द्वारे बृहन्मुंबई प्रारूप विकास योजना-२०३४ सह विकास नियंत्रण व प्रोत्साहन नियमावली-२०३४ (यापुढे ज्याचा उल्लेख “उक्त नियमावली २०३४” असा करणेत आलेला आहे) ला उक्त अधिसूचनेसोबतचे परिशिष्ट-ब मध्ये दर्शविलेले सारभूत स्वरूपाचे फेरबदल (ई.पी.) वगळून उक्त अधिसूचनेसोबतचे परिशिष्ट-अ मध्ये दर्शविलेल्या सुधारणेसह मंजुरी दिली आहे. आणि ज्याअर्थी शासनाने उक्त अधिसूचनेस समक्रमांकाचे शुद्धीपत्रक दिनांक २२ जून २०१८ रोजी निर्गमित केले असून त्यानुसार उक्त नियमावली-२०३४, दिनांक १ सप्टेंबर २०१८ पासून अंमलात आली आहे. आणि ज्याअर्थी, त्यानंतर उक्त अधिसूचनेस शासनाने समक्रमांकाचे शुद्धीपत्रक व पुरकपत्र दिनांक २९ जून २०१८ रोजी पारित केले असून सदर शुद्धीपत्रक व पुरकपत्र महाराष्ट्र शासनाच्या राजपत्रात दिनांक ३० जून २०१८ रोजी प्रसिध्द करण्यात आले आहे;

आणि ज्याअर्थी, शासनाने दिनांक २१ सप्टेंबर २०१८ रोजीच्या अधिसूचनेद्वारे उक्त नियमावली-२०३४ मधील सारभूत स्वरूपाचे बदल ईपी-१ ते ईपी-१६८ ला (ठराविक ईपी व निर्णयार्थ प्रलंबित ठेवलेल्या ठराविक तरतुदी वगळून) मंजुरी प्रदान केली आहे ;

आणि ज्याअर्थी, उक्त मंजुरीच्या अधिसूचनेत आणि मंजूर तरतुदीमध्ये टंकलेखनाच्या त्रुटी व चुका तसेच उक्त नियमावली-२०३४ मधील काही तरतुदीच्या अर्थबोधाची स्पष्टता करून सुसंगती आणणे याकरिता शासनाने दिनांक १२ नोव्हेंबर २०१८ रोजी शुद्धीपत्रक निर्गमित केले आहे;

(१)

आणि ज्याअर्थी, उक्त नियमावलीचे विनियम ३३(७) मध्ये मुंबई बेट शहरातील उपकर प्राप्त इमारतींची पुनर्बांधणी किंवा पुनर्विकास हा सहकारी गृहनिर्माण सोसायटीकडून करण्याची तसेच बृहन्मुंबई महानगरपालिकेच्या मालकीच्या जुन्या इमारतींचा पुनर्विकास करण्याबाबत तरतुदी आहेत ;

आणि ज्याअर्थी, दिनांक २५ नोव्हेंबर २०२१ रोजी सहाद्री अतिथी गृह, मुंबई येथे मा. मंत्री, नगरविकास यांचे अध्यक्षतेखाली बैठक झाली (यापुढे ज्याचा उल्लेख “उक्त बैठक” असा करणेत आलेला आहे). उक्त बैठकीस मा. मंत्री, गृहनिर्माण, आमदार, श्री. अजय चौधरी, श्री. विनोद घोसाळकर, सभापती, मुंबई ईमारत दुरुस्ती व पुनर्रचना मंडळ आणि महाराष्ट्र गृहनिर्माण व क्षेत्र विकास प्राधिकरणाचे अधिकारी (यापुढे ज्याचा उल्लेख “म्हाडा” असा करणेत आलेला आहे) इत्यादी उपस्थित होते. आणि ज्याअर्थी, बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ चे विनियम ३३(७) अंतर्गत म्हाडाने पुनर्बांधणी केलेल्या साधारण ४५४ उपकर प्राप्त इमारतींच्या समस्यांबाबत ज्या आता धोकादायक स्थितीत आहेत, त्याबाबत उक्त बैठकीत चर्चा झाली. सदर इमारतींच्या पुनर्बांधणीमुळे ज्या पूर्वी उपकर प्राप्त इमारती होत्या परंतु विनियम ३३(७) अंतर्गत पुनर्बांधणी झाल्यानंतर त्या बिगरउपकर प्राप्त ठरतात, आणि ज्याअर्थी, सदर कारणास्तव उक्त इमारतींचा पुनर्विकास हा उक्त नियमावलीचे विनियम ३३(७) अन्वये करता येत नाही. आणि ज्याअर्थी, वरील वस्तुस्थिती लक्षात घेता, म्हाडाने पुनर्बांधणी केलेल्या सदर इमारतींचा पुनर्विकास करण्यासाठी उक्त नियमावलीमध्ये नवीन खंड अंतर्भूत करण्यासाठी प्रस्ताव सादर करणेबाबत उक्त बैठकीत मा. मंत्री, नगरविकास यांनी म्हाडा प्राधिकरणास निर्देश दिले; आणि ज्याअर्थी, उक्त बैठकीमध्ये ठरल्याप्रमाणे, उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी, म्हाडा यांनी दिनांक ३ डिसेंबर २०२१ रोजीच्या पत्रान्वये म्हाडाने पुनर्बांधणी केलेल्या अशा इमारतींचा पुनर्विकास सुलभ करण्याकरिता उक्त नियमावलीमध्ये नवीन खंड अंतर्भूत करण्यासाठी शासन नगरविकास विभागास विनंती केली आहे ;

आणि ज्याअर्थी, वरील वस्तुस्थिती आणि म्हाडाने केलेली विनंती विचारात घेता त्याअनुषंगाने उक्त नियमावलीचे विनियम ३३ मध्ये नवीन खंड २४ अंतर्भूत करणे आवश्यक असल्याबाबत शासनाचे मत झाले आहे; आणि ज्याअर्थी, उक्त नियमावलीचे विनियम ३३ मध्ये फेरबदल करणे सार्वजनिक हिताच्या दृष्टीने आवश्यक असल्याची शासन नगरविकास विभागास खात्री झाली आहे;

आणि ज्याअर्थी, उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये प्राप्त अधिकाराचा वापर करून शासनाने दि. २८ फेब्रुवारी २०२२ रोजीची सूचना त्यासोबतचे परिशिष्टामध्ये नमूद प्रस्तावित फेरबदलावर जनतेकडून हरकती / सूचना मागविण्यासाठी प्रसिध्द करण्यात आली होती आणि ज्याद्वारे प्रस्तावित फेरबदलाबाबत प्राप्त होणाऱ्या हरकती / सूचनांवर संबंधितांना सुनावणी देण्याकरिता तसेच उक्त अधिनियमाच्या कलम ३७(१कक) अन्वये विहित केलेली कार्यवाही पूर्ण करून प्रस्ताव शासनास सादर करणेसाठी उपसंचालक, नगररचना, बृहन्मुंबई यांची अधिकारी (यापुढे ज्याचा उल्लेख “उक्त अधिकारी” असा करण्यात आला आहे.) म्हणून नियुक्ती करण्यात आली आहे;

आणि ज्याअर्थी सदर दिनांक २८ फेब्रुवारी २०२२ रोजीची सूचना शासन राजपत्रामध्ये (भाग-१, कोकण विभाग पुरवणी) (यापुढे याचा उल्लेख “शासकीय राजपत्र” असा केलेला आहे) दिनांक १०-१६ मार्च, २०२२ रोजी प्रसिध्द झालेली आहे आणि उक्त अधिकारी यांनी त्यांचेकडील दिनांक १६ जून २०२२, दिनांक ४ ऑगस्ट २०२२ आणि २३ ऑगस्ट २०२२ रोजीचे पत्रांद्वारे सदर फेरबदल प्रस्तावाबाबतचा अहवाल संचालक, नगररचना, महाराष्ट्र राज्य, पुणे यांचेमार्फत कलम ३७(१कक) खालील वैधानिक कार्यवाही पूर्ण करून शासनास सादर केलेला आहे ;

आणि ज्याअर्थी उक्त अधिकारी यांचा अहवाल विचारात घेता व संचालक, नगररचना यांचेशी सल्लामसलत केल्यानंतर प्रस्तावित फेरबदलास काही बदलांसह मंजुरी देणे आवश्यक असल्याचे शासनाचे मत झालेले आहे ;

आता त्याअर्थी, उक्त अधिनियमाच्या कलम ३७(१कक)(ग) अन्वये प्राप्त अधिकारात आणि त्या संदर्भातील सर्व शक्तींचा वापर करून शासन याद्वारे :

(अ) उक्त फेरबदलाचे प्रस्तावास सुधारणांसह सोबतचे परिशिष्टामध्ये नमूद केलेप्रमाणे मंजुरी देत आहे.

(ब) सदरची अधिसूचना शासकीय राजपत्रामध्ये प्रसिद्ध झालेचा दिनांक हा उक्त फेरबदल अंमलात आलेचा दिनांक असेल.

(क) बृहन्मुंबई महानगरपालिकेस डिसीपीआर-२०३४ च्या मंजुरी सोबतच्या फेरबदलाचे परिशिष्टामध्ये शेवटच्या नोंदीनंतर खालील परिशिष्ट समाविष्ट करणेचे निर्देश देत आहे.

सदर अधिसूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर सुद्धा उपलब्ध करण्यात आली आहे.

परिशिष्ट

शासन नगरविकास विभागाकडील सूचना क्र. टिपीबी-४३२१/५४३/प्र.क्र.१८६/२०२१/नवि-११, दिनांक १९ डिसेंबर २०२२ सोबत वाचावयाचे परिशिष्ट.

Sanctioned Modification to add new clause 24 in Regulation 33 of Development Control and Promotion Regulation-2034 as below :—

33 (24) Reconstruction or redevelopment of tenanted buildings belonging to MHADA, building constructed under slum clearance scheme by MHADA and tenanted buildings belonging to the Municipal Corporation of Greater Mumbai in the Island City :

1 Following shall be the Eligibility criteria for redevelopment / reconstruction of buildings under this regulation :—

- a. Buildings owned and constructed by MHADA or MCGM, and
- b. Tenanted on rental basis to occupiers by the respective authority of MHADA/MCGM, and
- c. Having minimum 30 years of age or declared dangerous by the concerned authority, **OR**
- d. Buildings constructed by MHADA under slum clearance scheme and already demolished due to declared dilapidated.

Explanation.— Age of a building shall be as on the 1st of January of the year in which a complete redevelopment proposal is submitted to the Commissioner and shall be calculated from the date of Occupation Certificate or alternately, from the first date of assessment as per the property tax record in respect of such building or building on which balance/admissible FSI has been consumed by way of vertical extension as per then prevailing Regulation, available with the MCGM.

2. The redevelopment of these buildings may be taken by MHADA/MCGM or by appointing private developer having minimum 51% irrevocable written consents of the occupants/ tenants of each building.

3. All the eligible occupants in building/structures shall be certified by respective authorities of MHADA / MCGM.

4. Each occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 sq. m (300 sq.ft.) and/or maximum carpet area upto 120 sq.m (1292 sq.ft.) In case of non-residential occupier, the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. Provided further that each eligible residential cum commercial occupant shall be entitled to a tenement of minimum carpet area of 27.88 sq.m (300 sq. ft.).

Provided further that the rehabilitation area of any occupant of a commercial establishment, who is allowed by the respective authority MHADA/MCGM to be rehabilitated in a residential tenement in lieu of his commercial establishment, shall also be governed by the aforesaid provisions applicable to the residential occupants in these Regulations.

5. The list of eligible occupants and area occupied by each of them shall be certified by the respective authority i.e. MHADA or MCGM.

6. Fungible Compensatory Area as applicable on the area to be handed over to MHADA/MCGM shall not be allowed to be utilized on sale component. No premium shall be charged on the fungible compensatory area in respect of area to be handed over to MHADA/MCGM and shall be exclusive of the Fungible compensatory BUA if availed.

Provided that at the option of the Owner/Developer, the area equivalent to the market value (as per ASR of that year) of area admissible as per the prescribed percentage of BUA to MHADA/MCGM can be made available within the same or adjoining municipal ward of MCGM.

7. FSI Permissible

FSI required for rehabilitation of existing occupants plus incentive thereon as mentioned below, subject to minimum 3 FSI.

Basic Ratio LR/RC	% Incentive FSI Permissible			
	Single Plot	Plots more than 1 upto 3	Plots more than 3 upto 6	Plots more than 6
Above 6	45	50	55	60
Above 4 and upto 6	50	55	60	65
Above 2 and upto 4	55	60	65	70
Upto 2	60	65	70	75

Explanation :— RC is rate of construction in respect of RCC Construction and Land Rate (LR) is the rate of Open Land for FSI 1. Provided further that in case there is more than one land rate applicable to different parts of the plot under the CDS, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio. Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in which the proposal is approved by the Authority and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

(8) In case, total of rehab area plus incentive area is less than FSI 3.0, then the balance built up area shall be shared between Developer and MHADA/ MCGM as per the policy decided by the concern authority.

(9) For redevelopment of buildings eligible under this regulation :—

(a) Any ongoing proposal for redevelopment of building can be allowed to be converted as per the provision of this regulation, subject to fulfilment of requirement of this regulation.

(b) The permissible FSI mentioned in clause 7 shall be on gross plot area.

(c) Requirement of consents mentioned in clause 2 above is not required, if the redevelopment is undertaken by MHADA/MCGM themselves.

(d) Development permission shall be granted only after submitting agreement to lease of the plot to society.

(10) The planning authority shall be MCGM. For redevelopment of MHADA buildings, the proposal shall be submitted by Developer/ Architect on completion of all procedure by MHADA regarding certification of occupants list, their areas, selection of developer, etc. to MCGM for approval of plans.

(11) Since the permissible FSI in clause 7 above is dependent upon the number of occupiers and the actual area occupied by them, no new tenancy created after 13.6.1996 shall be considered. Further unauthorized constructions made in the buildings shall not be considered while computation of existing FSI.

(12) Additional development cess equivalent to 100% of Development charges on BUA (excluding the fungible compensatory area/ BUA), or Rs 5,000 per sq. m. whichever is more for BUA over and above the BUA required for rehabilitation of existing occupants shall be paid by the owner/ developer/ society. This amount shall be paid to the Corporation in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM provided the payment of instalments shall not go beyond the completion of construction. This amount shall be used for Scheme to be prepared for the improvement of off-site infrastructure in the area around the development. Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act, 1966.

(13) Regarding transfer of tenements shall be governed by policy decided by the land owning authority and subject to terms and conditions and on payment of premium, etc.

(14) The entire FSI available under clause 5 shall be allowed to be utilised on plot/plots under redevelopment scheme. However, if the owner/ society so desire, they can avail the incentive FSI on the same plot or can avail the benefit of TDRs to be used in accordance with the Regulations no. 32.

(15) The fungible compensatory area admissible on rehab component shall be granted without charging premium and such fungible compensatory area for rehabilitation component shall not be used for free sale component and shall be used to give additional area over and above eligible area to the existing tenants.

(16) For smooth implementation of the redevelopment scheme undertaken by landlord/s or Co-operative Housing Societies of existing tenants, temporary transit camps may be permitted on the same land or land situated elsewhere belonging to the same landlord/s with the concessions permissible under SRS project under Regulations 33(10) of these Regulations. Such transit camps should be demolished within one month from the date of occupation certificate granted by the Corporation for the reconstructed buildings.

(17) Buildings falling under reservation/ zones contemplated in the DP shall be permitted as specified in Regulation No.17(3)(B).

Contravening structures in TP Scheme and structures on the road shall also be included in the redevelopment scheme. FSI for the same will be as under DCR 33(12) or as provided in these Regulations whichever is more.

(18) Relaxation in building and other requirements for rehabilitation: Notwithstanding anything contained in these Regulations, the relaxations incorporated in sub Regulation No. 6 of Regulation No. 33 (10) of these Regulations except clause 6.11, 6.16 & 6.18 shall apply. The payment of premium at the rate of 10% of normal premium or at the rate of 2.5% of the land rates as per ASR (for FSI 1), whichever is more shall apply. As regards requirement of fire protection under regulation 47, the provision of regulation 47(1)(A) shall be applicable for the proposals under this regulation.

(19) On completion of the building and obtaining Occupation Certificate, the land shall be leased to Society on the terms and conditions as decided by the authority.

(20) Notwithstanding anything contained in Regulation No.31(1), areas of common passages not exceeding 2.00 m in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and MHADA / MCGM component shall not be counted towards FSI.

(21) Front and marginal open spaces, for a building having height up to 32.0 m. in the rehabilitation component or a composite building, shall be 3.0 and 4.5 m respectively. Provided that for a building having height more than 32.0 m and upto 70 m, open space of the width of 6 m at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the manoeuvrability of a fire engine, unless the building abuts two roads of 6 m or more on two sides, or another access of 6 m to the building is available, apart from the road abutting the building.

(22) A composite building shall have at least 50 percent of BUA as rehabilitation component.

(23) If any relaxation in open spaces except front open space in sale component is granted by Municipal Commissioner, then the same shall be subject to compliance of CFO requirement and recovery of premium at the rate 2.5% of ASR.

(24) The buildings which are declared dangerous by the respective authorities but unable to process the proposal of redevelopment under this regulation then such buildings shall be vacated and get demolished by the respective authority. The occupants in such existing buildings may be rehabilitated in other buildings by the respective authorities as per the availability and waiting list pending. The respective authority may formulate the policy in this respect if required.

The land so available after demolition of the building shall be use for the development of any other public purpose as per the requirement and decision of the authority.

(25) Clubbing of the schemes :

The entire rehabilitation component and sale component amongst two or more schemes of redevelopment under this regulation can be permitted to be interchanged. The application shall be submitted jointly by the developers who are willing to join for clubbing. However, while sanctioning scheme for clubbing, minimum 3 FSI shall be required to be constructed on any of the single plot involved under clubbing. Provided further that the developer shall have to pay premium as an unearned income equal to 10% of difference of sale value of BUA to be transferred as per ASR.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

निर्मलकुमार पं. चौधरी,
शासनाचे अवर सचिव.

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, Dated 19th December, 2022.

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No.TPB-4321/543/C.R.186/2021/UD-11.— Whereas, the Municipal Corporation of Greater Mumbai is the Planning Authority for the area within its jurisdiction (hereinafter referred to as “the said Corporation”) as per the provision of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”);

And whereas, in exercise of the powers conferred by sub section (1) of section 31 of the said Act, the State Government *vide* Notification No. TPB-4317/629/CR-118/2017/DP/UD-11, Dated 8th May 2018 (hereinafter referred to as “the said Notification”) has accorded sanction to the Draft Development Plan, 2034 of Greater Mumbai alongwith the Development Control and Promotion Regulations, 2034 for Greater Mumbai (hereinafter referred to as “the said Regulations”) with modifications shown in SCHEDULE-A appended to the said Notification excluding the substantial modifications as shown in SCHEDULE-B appended to the said Notification. And whereas, Government has issued corrigendum of even number dated 22nd June, 2018 as per which the said Regulations have come into force from 1st September 2018. And whereas, thereafter Government has issued a Corrigendum and Addendum of even number dated 29th June, 2018 to the said Notification, which is published in *Government Gazette* dated 30th June, 2018;

And whereas, the Government of Maharashtra *vide* Notification dated 21st September 2018 has sanctioned EP-1 to EP-168 (Excluding certain EP and provisions which were kept in abeyance) in the said Regulations;

And whereas, the Government of Maharashtra *vide* Notification dated 12th November 2018 has issued corrigendum in respect of some typographical errors and mistakes and also to clarify and co-relate certain provisions of said Regulations for its proper interpretation;

And whereas, Regulation 33(7) of the said Regulation stipulate about “Reconstruction or redevelopment of cessed buildings in the Island City by Co-operative Housing Societies or of old buildings belonging to the Corporation”;

And whereas, a meeting under Chairmanship of Hon’ble Minister Urban Development Department was held on 25th November, 2021 at Sahyadri Guest House, Mumbai. (hereinafter referred to as “the said meeting”) Hon’ble Minister of Housing, MLA Shri Ajay Chaudhari, Shri Vinod Ghosalkar, Sabhapati, Mumbai Building Repair and Reconstruction Board and officers from Maharashtra Housing Area Development Authority (hereinafter referred to as “MHADA”) etc. attended the said meeting. And whereas, issues of around 454 cessed buildings reconstructed by MHADA under Regulation 33(7) of the Development Control Regulation, 1991 which are now in dilapidated conditions were discussed in the said meeting and as due to reconstruction of the said buildings which were cessed before reconstruction but after reconstructed under Regulation 33(7), status of the said reconstructed buildings is now non-cessed, and whereas, due to this reason said buildings cannot now be redeveloped under Regulation 33(7) of the said Regulation, And whereas, considering above facts, Hon’ble Minister, UDD in the said meeting directed MHADA to submit proposal to incorporate new regulations for redevelopment of such MHADA reconstructed buildings in said Regulation; And whereas, as decided in the said meeting, Vice President and CEO, MHADA *vide* his letter dated 3rd December 2021 requested the Government in Urban Development Department to insert a new clause in the said Regulation so as to facilitate redevelopment of such MHADA reconstructed buildings;

And whereas, considering above stated facts and the request of MHADA, Government finds it necessary to incorporate a provision to that effect in new clause 24 in Regulation 33 of the said Regulation; And whereas, the Government in Urban Development Department is of the opinion that in the public interest it is expedient to modify Regulation 33 of the said Regulation;

And whereas, in exercise of the powers conferred under sub-section (1AA) of section 37 of the said Act, Government had issued Notice of even No. dated 28th February 2022 for inviting suggestions/objections from the general public with regard to the proposed modification (hereinafter referred to as “the proposed modification”) as mentioned in the Schedule appended to the said Notice and appointed the Deputy Director of Town Planning, Greater Mumbai as the Officer (hereinafter referred to as “the said Officer”) to complete the procedure as stipulated under Section 37(1AA) of the said Act and to submit a Report on the objections / suggestions received in respect of the proposed modification to the Government after giving hearing to the concerned persons;

And whereas, the said Notice dated 28th February 2022 was published in the *Maharashtra Government Gazette* (Part-I, Kokan Division supplement) (hereinafter referred to as “the *Official Gazette*”) dated 10th-16th March, 2022 and the said Officer has submitted his Report *vide* his letter dated 16th June 2022, dated 4th August 2022 and dated 23rd August 2022 through the Director of Town Planning, Maharashtra State, after completing the legal procedure as stipulated under section 37(1AA) of the said Act.;

And whereas, after considering the Report of the said Officer and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned with certain changes;

Now, therefore, in exercise of the powers conferred upon it under section 37(1AA)(c) of the said Act, the Government hereby :—

(A) Sanctions the proposed modification with changes as described more specifically in the Schedule attached herewith.

(B) Fixes the date of publication of this Notification in the *Official Gazette* as the date of coming into force of this modification.

(C) Directs the Municipal Corporation of Greater Mumbai that in the Schedule of Modifications sanctioning the said DCPR-2034, after the last entry, the Schedule referred to at (A) above shall be added.

This Notification shall also be made available on the Govt. of Maharashtra website : www.maharashtra.gov.in (**Acts & Rule's**)

Schedule

(Accompaniment to the Government in Urban Development Department Notice No. TPB- 4321/543/C.R.186/2021/UD-11, dated :- 19th December, 2022.)

Sanctioned Modification to add new clause 24 in Regulation 33 of Development Control and Promotion Regulation, 2034 as below :—

33 (24) Reconstruction or redevelopment of tenanted buildings belonging to MHADA, building constructed under slum clearance scheme by MHADA and tenanted buildings belonging to the Municipal Corporation of Greater Mumbai in the Island City :

1 Following shall be the Eligibility criteria for redevelopment / reconstruction of buildings under this regulation

- a. Buildings owned and constructed by MHADA or MCGM, and
- b. Tenanted on rental basis to occupiers by the respective authority of MHADA/MCGM, and
- c. Having minimum 30 years of age or declared dangerous by the concerned authority, **OR**
- d. Buildings constructed by MHADA under slum clearance scheme and already demolished due to declared dilapidated

Explanation.— Age of a building shall be as on the 1st of January of the year in which a complete redevelopment proposal is submitted to the Commissioner and shall be calculated from the date of Occupation Certificate or alternately, from the first date of assessment as per the property tax record in respect of such building or building on which balance/admissible FSI has been consumed by way of vertical extension as per then prevailing Regulation, available with the MCGM.

2. The redevelopment of these building may be taken by MHADA/MCGM or by appointing private developer having minimum 51% irrevocable written consents of the occupants/ tenants of each building.

3. All the eligible occupants in building/structures shall be certified by respective authorities of MHADA / MCGM.

4. Each occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 sq. m. (300 sq.ft.) and/ or maximum carpet area upto 120 sq.m. (1292 sq.ft.) In case of non-residential occupier, the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. Provided further that each eligible residential *cum* commercial occupant shall be entitled to a tenement of minimum carpet area of 27.88 sq.m. (300 sq. ft.) :

Provided further that the rehabilitation area of any occupant of a commercial establishment, who is allowed by the respective authority MHADA/MCGM to be rehabilitated in a residential tenement in lieu of his commercial establishment, shall also be governed by the aforesaid provisions applicable to the residential occupants in these Regulations.

5. The list of eligible occupants and area occupied by each of them shall be certified by the respective authority *i.e.* MHADA or MCGM.

6. Fungible Compensatory Area as applicable on the area to be handed over to MHADA/MCGM shall not be allowed to be utilized on sale component. No premium shall be charged on the fungible compensatory area in respect of area to be handed over to MHADA/MCGM and shall be exclusive of the Fungible compensatory BUA if availed :

Provided that at the option of the Owner/Developer, the area equivalent to the market value (as per ASR of that year) of area admissible as per the prescribed percentage of BUA to MHADA/MCGM can be made available within the same or adjoining municipal ward of MCGM.

7. FSI Permissible

FSI required for rehabilitation of existing occupants plus incentive thereon as mentioned below, subject to minimum 3 FSI.

Basic Ratio LR/RC	% Incentive FSI Permissible			
	Single Plot	Plots more than 1 upto 3	Plots more than 3 upto 6	Plots more than 6
Above 6	45	50	55	60
Above 4 and upto 6	50	55	60	65
Above 2 and upto 4	55	60	65	70
Upto 2	60	65	70	75

Explanation.— RC is rate of construction in respect of RCC Construction and Land Rate (LR) is the rate of Open Land for FSI 1. Provided further that in case there is more than one land rate applicable to different parts of the plot under the CDS, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio. Provided further that for calculation of the Basic Ratio, the Land Rate (LR) and the Rate of Construction (RC) shall be taken for the year in which the proposal is approved by the Authority and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

(8) In case, total of rehab area plus incentive area is less than FSI 3.0, then the balance built up area shall be shared between Developer and MHADA/ MCGM as per the policy decided by the concern authority.

(9) For redevelopment of buildings eligible under this regulation :—

(a) Any ongoing proposal for redevelopment of building can be allowed to be converted as per the provision of this regulation, subject to fulfilment of requirement of this regulation.

(b) The permissible FSI mentioned in clause 7 shall be on gross plot area.

(c) Requirement of consents mentioned in clause 2 above is not required, if the redevelopment is undertaken by MHADA/MCGM themselves.

(d) Development permission shall be granted only after submitting agreement to lease of the plot to society.

(10) The planning authority shall be MCGM. For redevelopment of MHADA buildings, the proposal shall be submitted by Developer/ Architect on completion of all procedure by MHADA regarding certification of occupants list, their areas, selection of developer, etc. to MCGM for approval of plans.

(11) Since the permissible FSI in clause 7 above is dependent upon the number of occupiers and the actual area occupied by them, no new tenancy created after 13th June 1996 shall be considered. Further unauthorized constructions made in the buildings shall not be considered while computation of existing FSI.

(12) Additional development cess equivalent to 100% of Development charges on BUA (excluding the fungible compensatory area/ BUA), or Rs 5,000 per sq. m. whichever is more for BUA over and above the BUA required for rehabilitation of existing occupants shall be paid by the owner/ developer/ society. This amount shall be paid to the Corporation in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM provided the payment of installments shall not go beyond the completion of construction. This amount shall be used for Scheme to be prepared for the improvement of off-site infrastructure in the area around the development. Development cess shall be in addition to development charges levied as per section 124 of MR&TP Act, 1966.

(13) Regarding transfer of tenements shall be governed by policy decided by the land owning authority and subject to terms and conditions and on payment of premium, etc.

(14) The entire FSI available under clause 5 shall be allowed to be utilised on plot/plots under redevelopment scheme. However, if the owner/ society so desire, they can avail the incentive FSI on the same plot or can avail the benefit of TDRs to be used in accordance with the Regulations No. 32.

(15) The fungible compensatory area admissible on rehab component shall be granted without charging premium and such fungible compensatory area for rehabilitation component shall not be used for free sale component and shall be used to give additional area over and above eligible area to the existing tenants.

(16) For smooth implementation of the redevelopment scheme undertaken by landlord/s or Co-operative Housing Societies of existing tenants, temporary transit camps may be permitted on the same land or land situated elsewhere belonging to the same landlord/s with the concessions permissible under SRS project under Regulations 33(10) of these Regulations. Such transit camps should be demolished within one month from the date of occupation certificate granted by the Corporation for the reconstructed buildings.

(17) Buildings falling under reservation/ zones contemplated in the DP shall be permitted as specified in Regulation No.17(3)(B).

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(19) On completion of the building and obtaining Occupation Certificate, the land shall be leased to Society on the terms and conditions as decided by the authority.

(20) Notwithstanding anything contained in Regulation No.31(1), areas of common passages not exceeding 2.00 m in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and MHADA / MCGM component shall not be counted towards FSI.

(21) Front and marginal open spaces, for a building having height upto 32.0 m. in the rehabilitation component or a composite building, shall be 3.0 and 4.5 m respectively. Provided that for a building having height more than 32.0 m and upto 70 m, open space of the width of 6 m at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the manoeuvrability of a fire engine, unless the building abuts two roads of 6 m or more on two sides, or another access of 6 m to the building is available, apart from the road abutting the building.

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The entire rehabilitation component and sale component amongst two or more schemes of redevelopment under this regulation can be permitted to be interchanged. The application shall be submitted jointly by the developers who are willing to join for clubbing. However, while sanctioning scheme for clubbing, minimum 3 FSI shall be required to be constructed on any of the single plot involved under clubbing. Provided further that the developer shall have to pay premium as an unearned income equal to 10% of difference of sale value of BUA to be transferred as per ASR.

By order and in the name of the Governor of Maharashtra,

NIRMALKUMAR P. CHAUDHARI,
Under Secretary to Government.